

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

Case No. 7:20-CR-00119-M
Case No. 7:23-CV-01693-M

MATTHEW SINCLAIR FLOYD,

Petitioner,

v.

ORDER

UNITED STATES OF AMERICA,

Respondent.

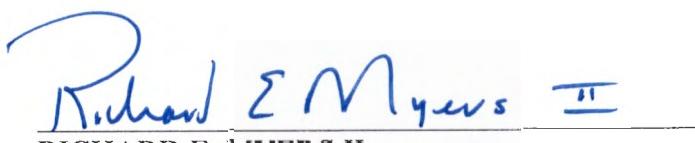
This matter comes before the court on Petitioner's motions to vacate his sentence pursuant to 28 U.S.C. § 2255 [DE 58; DE 59] and the United States' motion to dismiss [DE 63]. After briefing concluded on the United States' motion, now-former President Joseph R. Biden Jr. commuted Petitioner's sentence, effective April 17, 2025. *See* DE 68 at 11-12. Petitioner is no longer in Bureau of Prisons custody. *See Find an inmate.*, FEDERAL BUREAU OF PRISONS, https://www.bop.gov/inmateloc/?os=wtmb5utkcxk5refapp%3Famp_kit1 (noting that Petitioner is "Not in BOP Custody as of: 04/17/2025") (last visited May 13, 2025).

In *United States v. Surratt*, the Fourth Circuit held that a Presidential commutation renders moot a habeas petition seeking vacatur of a sentence; in those circumstances, the petitioner is "no longer serving a judicially imposed sentence, but a presidentially commuted one," and the "commutation order simply closes the judicial door." *United States v. Surratt*, 855 F.3d 218, 219 (4th Cir. 2017) (en banc) (Wilkinson, J., concurring). Put another way, after a grant of executive clemency, a federal district court is "*without jurisdiction*" to "opine on" the legality of a habeas petitioner's "original sentence." *Blount v. Clarke*, 890 F.3d 456, 463 (4th Cir. 2018) (emphasis in

original). Because Petitioner is no longer serving a judicially imposed sentence, “it is impossible” for this court “to grant any effectual relief” to him, and his motions are moot. *Chafin v. Chafin*, 568 U.S. 165, 172 (2013).

Accordingly, Petitioner’s motions [DE 58; DE 59] are DISMISSED AS MOOT and the United States’ motion [DE 63] is DENIED AS MOOT. The court denies a certificate of appealability. See, e.g., *United States v. Harris*, No. 3:06-CR-61, 2018 WL 5831256, at *2 (E.D. Va. Nov. 6, 2018) (denying certificate of appealability where habeas petition was rendered moot by Presidential commutation); *United States v. Scates*, No. 3:98-CR-87, 2018 WL 3244079, at *2 (E.D. Va. July 3, 2018) (same).

SO ORDERED this 13th day of May, 2025.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE